

VZCZCXRO9818
RR RUEHBZ RUEH DU RUEHJO RUEHMR RUEHRN
DE RUEHDR #0129/01 0401512
ZNR UUUUU ZZH
R 091512Z FEB 10
FM AMEMBASSY DAR ES SALAAM
TO RUEHC/SECSTATE WASHDC 9384
RUEHC/DEPT OF LABOR WASHINGTON DC
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEHJB/AMEMBASSY BUJUMBURA 3172
RUEHKM/AMEMBASSY KAMPALA 0145
RUEHLGB/AMEMBASSY KIGALI 1649
RUEHNR/AMEMBASSY NAIROBI 1617

UNCLAS SECTION 01 OF 07 DAR ES SALAAM 000129

SIPDIS
DEPARTMENT FOR AF/E JTREADWELL; DRL/ILCSR SMORGAN; GTIP
LCDEBACA, RYOUSEY
LABOR FOR ILAB LSTROTKAMP, RRIGBY, TMCCARTER
E.O. 12958: N/A
TAGS: [ELAB](#) [EIND](#) [ETRD](#) [KTIP](#) [PHUM](#) [SOCI](#) [TZ](#)
SUBJECT: TANZANIA: CHILD AND FORCED LABOR REPORT

REF: 2009 STATE 131995

1. This cable responds to questions in reftel.

TASK 1: Trafficking Victims Protection Reauthorization Act
(TVPRA) - Forced labor and/or Exploitative Child Labor in the
Production of Goods

Agricultural Products Q Sisal, Cashew, Tea, Coffee

1A-E. According to the Child Labor Unit within the Ministry
of Labor, Employment, and Youth Development (Ministry of
Labor), children are not directly employed in the commercial
production of coffee, tea, sisal, and cashew. There is broad
agreement among international organizations, NGOs, and
Ministry officials that large-scale producers have a firm
understanding of the child labor laws and do not directly
employ children. However, the Coordinator of the Child Labor
Unit said that children do assist their parents with
agricultural activities on plantations. The Tanzanian
representative from the International Union of Food,
Agriculture, Hotels, Tourism and Allied Workers Union (IUF)
as well as representatives from the Ministry of Community
Development, Children and Gender Affairs and the ILO
confirmed this assertion.

ILO clarified that while the children may technically be
working on plantations, it is usually within the context of
tenant farmer arrangements. Plantation owners typically
lease land to smallholder farming families who in turn sell
their harvest back to the commercial entity for distribution.
In order to increase their yield and thus their income, some
families enlist the help of their children. Financial
limitations precluded the Ministry of Labor from conducting
widespread inspections of these operations. Further, the
tenant farmer arrangement makes it more difficult for Labor
Officers to detect child labor as these "workers" are not
formally listed on the plantation's list of employees. The
nature and extent of the problem with respect to these tenant
farmer arrangements are not known. However, the Association
of Tanzanian Employers has begun working with the large
commercial agricultural entities to ensure they include a
provision in their tenant contracts that precludes the use of
child labor on leased plots.

1F. ILO, in collaboration with the government of Tanzania
(GOT) continued its efforts to remove children from the most
abusive forms of child labor through the Time Bound Program
(TBP). The sectors involved included commercial agriculture,
mining, fishing, and domestic work. Between 2007 and 2009,
the TBP prevented and withdrew 22,000 children from the worst
forms of child labor. In addition, NGO Winrock International
worked closely with the government to withdraw children in
rural areas from child labor in cotton, tobacco, and animal

herding through a number of targeted education programs. Since its inception in 2006, Winrock's TEACH program has withdrawn or prevented 6,500 children ages five to 17 from child labor. Between March and September 2009, TEACH identified, registered and enrolled a total of 779 children (251 female and 518 male) in its programs. Of these, 68 were in pre-primary school program, 242 in Complementary Basic Education (COBET), and 469 in the vocational agriculture program. Winrock has successfully used a network of volunteers to assist it in monitoring those children withdrawn from child labor to ensure they do not return and to continue efforts to educate communities about child labor. These awareness-raising efforts have led regional and district officials to consider child labor issues in budgeting decisions.

Other Goods Q Tanzanite, Gold, Cloves, Fish/Seaweed Harvest

1A-F. While tanzanite, gold, cloves, and fish were also on the list of goods produced with child labor in Tanzania, the ILO, Ministry officials, and NGO representatives stated that child labor was used only in artisanal mining and family based fishing and clove harvests. In particular, government officials noted a high degree of awareness about child labor laws in commercial mining operations as well as commercial agriculture.

12. TASK 2: Trade and Development Act of 2000 (TDA) - Exploitative Child Labor

2A. Prevalence and Sectoral Distribution of Exploitative

DAR ES SAL 00000129 002 OF 007

Child Labor

Instances of child labor outside the home occur primarily in the informal sector, which according to the World Bank accounts for over 50 percent of the economy. The use of young girls, known as house girls, for forced domestic labor continues to be the greatest child labor problem in Tanzania, according to Ministry officials, NGOs, and the Conservation, Hotels, Domestic, and Allied Workers Union (CHODAWU). According to CHODAWU and Kiota Women's Health and Development Organization (KIWOHEDE), girls engaging in domestic work primarily come from the regions of Iringa, Singida, Dodoma, Mbeya, Morogoro, and Bukoba. While some individuals serve as brokers, bringing girls to urban centers to work as domestics, often the girls' relatives are involved in establishing these working arrangements.

Children also work as street vendors and shop keepers as well as in small scale agriculture, family based businesses, and prostitution.

In 2006, the National Bureau of Statistics conducted an Integrated Labor Force Survey (ILFS). This survey provides the only available data on child labor. The Ministry of Labor does not have the capacity to routinely collect data on child labor. Furthermore, the nature of the problem in Tanzania, being concentrated in the informal sector, makes its quantification particularly problematic.

2B. Laws and Regulations

In November 2009, Parliament passed the Child Act, which prohibits the employment of a child in any form of exploitative labor. The Act defines exploitative labor as that which threatens the health and development of children, exceeds six hours per day, fails to provide adequate compensation, or is inappropriate given the child's age. The Act also prohibits forced child labor, the participation of children in hazardous work, and the sexual exploitation of children. Further, it specifies that these provisions relate both to the formal and the informal sectors. The Act authorizes Labor Officers to make inquiries into suspected violations, requiring them to report violations to the police

as well as the Department of Social Welfare.

The Act does not specify fines for violations related to exploitative labor, hazardous work, or forced labor; however, persons who force children into prostitution or to engage in pornography are subject to a fine between one and five million shillings (between USD 750 and 3,750) and/or one to 20 years in prison.

According to ILO, in addition to legislation at the national level, some district governments have incorporated prohibitions on child labor in their by-laws. Penalties at the local level vary by district, but ILO suspects they are less burdensome than the national penalties. Although it has no means of tracking their success, ILO believes these mechanisms to be an effective means of reducing child labor. Community Development Officers, who operate at the Ward and District levels, are often in a better position than regional or district Labor Officers to identify instances of child labor and bring them to the attention of local authorities. As a result, ILO notes that child labor cases typically arise at the community level, making local regulations more important.

Tanzania's Anti-Trafficking in Persons Act (2008), which was passed in 2008 and covers both the Mainland and Zanzibar, came into effect in February 2009. Persons who are found guilty of trafficking a child, including for the purposes of sexual exploitation or prostitution, are subject to a fine between five million and 150 million shillings (between USD 3,750 and 113,000) and/or a prison term of ten to twenty years.

The county's legal and regulatory framework provides adequate means of addressing exploitative child labor. However, these laws have not been rigorously tested in court. Further, it is likely that the vast majority of the population is unaware of the penalties for violating child labor laws. As a result, it is not clear if the penalties are severe enough to serve as a deterrent. Ignorance of the law coupled with the overall weak enforcement capabilities of the Ministry of Labor certainly undermine the efficacy of the law.

DAR ES SAL 00000129 003 OF 007

2C. Institutions and Mechanisms for Enforcement

Section I: Hazardous Child Labor; Section II: Forced Child Labor

Although Tanzania has drafted a list of the hazardous forms of child labor, it has yet to be officially adopted. The list is used informally by Ministry officials and representatives of NGOs and International Organizations. Because of the government's limited enforcement capacity, there is no practical distinction between enforcement of hazardous and forced child labor laws.

¶1. The Ministry of Labor has the lead on issues related to child labor, but collaborates closely with the Ministries of Community Development, Gender and Children; Home Affairs; Education; Agriculture; and Health and Social Welfare, as well as the Regional Affairs and Local Government Office within the Office of the Prime Minister.

¶2. The Ministry of Labor has sole responsibility for enforcement of child labor laws. However, the National Intersectoral Committee on Child Labor in the Office of the Prime Minister, which includes representation from the aforementioned ministries and the NGO community, facilitates collaboration on child labor issues. This committee has been effective in drawing attention to the issue of child labor and improving coordination between ministries. It was instrumental in drafting the National Plan of Action on Child Labor, published in June 2009.

¶3. Complaints can be lodged with Labor Officers at the regional level. The Labor Officers then follow up with an inspection of the facility in question. There is no systematic means of tracking complaints within Tanzania. The Child Labor Unit within the Ministry of Labor could not provide data on the number of complaints received in 2009.

¶4. The budget for the Department of Labor within the Ministry of Labor was one billion shillings (less than USD 800,000) in ¶2009. The Department of Labor allocates a certain portion of its budget to the Child Labor Unit, but the Child Labor Unit does not have an independent budget. The Coordinator of the Child Labor Unit was unable to provide his unit's annual budget; however, he said the funds are insufficient to support the unit's activities. In 2009, the Unit funded few of its stated priorities. For example, although the Unit funded the celebration of International Children's Day, it was unable to fund a program to provide conditional grants to poor families with children at risk of engaging in child labor. Furthermore, with only 90 Labor Officers and few material resources, the Unit has limited abilities to carry out inspections. The Ministry of Labor's Department of Labor only has one vehicle, designated for use by the Labor Commissioner. When he is not using it, Labor Officers are able to borrow it to conduct inspections. Labor Officers outside of Dar es Salaam face even greater challenges, with few vehicles and limited alternative forms of transportation.

¶5. The Ministry of Labor employs roughly 90 Labor Officers, responsible for a wide range of labor-related activities, including inspections. The Ministry does not have any dedicated inspectors. There are Labor Officers in every region, but not in every district. The number of officers is inadequate given the population and geographic size of Tanzania. They are overburdened and lack the resources to travel to sites and conduct inspections.

¶6. In 2009, a total of 324 inspections were carried out. The Child Labor Unit was unable to provide a breakdown based on whether the inspection was complaint-driven, random, or government-initiated. However, the Coordinator did note that the Unit piloted its new inspection guidelines. The low number of Labor Officers and the lack of material resources limits effective enforcement of child labor laws. The number of inspections was not adequate.

¶7. During the 2008/2009 budget cycle (July 1-June 30), a total of 29,078 children were withdrawn or prevented from entering child labor. Rahma Mshangama, the Principal Secretary in the Zanzibar Ministry of Employment, Youth, Women and Children, reported that 2,000 children were rescued from child labor in the fishing and seaweed farming industries on the islands between 2007 and 2009.

DAR ES SAL 00000129 004 OF 007

The Child Labor Unit was unable to provide data on the number of children withdrawn from child labor as a result of its inspections. Typically, children withdrawn from child labor are assisted by Social Welfare Officers, who refer them to NGOs for assistance in reunifying with their families, returning to school, or entering vocational training programs.

¶8. According to the Child Labor Unit, there were no child labor cases in 2009. However, ILO indicated that child labor cases are typically heard in the primary courts. However, these cases are not well documented.

¶9. No child labor cases were closed in 2009. (See 8 above)

¶10. According to the Child Labor Unit, there were no violations or prosecutions under child labor laws in 2009.

¶11. On average, it takes two to five years for a case to be heard in Tanzanian courts.

¶12. As there were no convictions in 2009, there is no information regarding penalties or sentences served.

¶13. Despite poor data and a lack of prosecutions, the GOT is committed to, and made efforts to combating child labor. The government collaborated with NGOs by providing technical expertise in agriculture, qualified trainers, as well as the necessary allowances and in some cases a budget to support child labor-related activities. For example, the Igunga District Council set aside Tanzanian seven million shillings (USD 5,200) for child labor-related activities during the year.

¶14. The Department of Labor includes a session on child labor in its Labor Officer training course. There was no dedicated training on child labor for Labor Officers during the year.

2D. Institutional Mechanisms for Effective Enforcement

Section I: Child Trafficking; Section II: Commercial Sexual Exploitation of Children; Section III: Use of Children in Illicit Activities

Given the limited resources of the GOT, it does not have units dedicated to these individual issues. The responses below apply to trafficking, commercial sexual exploitation (CSEC), and the use of children in illicit activities. Where information specifically relates to one of the aforementioned forms of child labor, it is noted below.

¶1. There are no agencies or personnel dedicated to child trafficking, CSEC, or the use of children in illicit activities. An officer in the Interpol office within the police force had responsibility for trafficking. However, during the year, he was transferred from this office. A new point of contact has yet to be identified. All investigators, prosecutors, and social workers work on such cases as the demand arises.

¶2. There is no discrete budget for efforts to combat child trafficking, CSEC, or the use of children in illicit activities. In general, resources are insufficient to carry out investigations.

¶3. Tanzanians can use the Interpol hotline to report offenses. However, there is no dedicated hotline for child trafficking, CSEC, or the use of children in illicit activities. Several NGOs, including KIWOHEDE, maintain hotlines as well.

¶4. Information regarding the number of ongoing investigations into CSEC, or the use of children in illicit activities was not available. The Director of Public Prosecution reports that there are several cases of trafficking under investigation, including that of two Kenyan children trafficked to Tarime. On December 13, police in the Tarime District (near Lake Victoria) arrested a man for abducting two children, ages four and eight, from Isebania, Kenya and attempting to sell them at a mining site in the Nyamongo area. The number of CSEC or investigations into the use of children in illicit activities is not known.

¶5. Information regarding the total number of children rescued

DAR ES SAL 00000129 005 OF 007

as a result of investigations into trafficking, CSEC, or the use of children in illicit activities was not available. However, two children trafficked from Kenya to Tarime district, Tanzania, were returned to their parents in December 2009.

¶6. There was one arrest made in the aforementioned
|ra/F!k-zr%+7lgh0dh\$ QM204VQof closed or resolved
cases involving trafficking, CSEC, or use of children for
illicit activities was not available. However, in March

2009, a Rwandan woman who had attempted to traffic a Tanzanian child to France was convicted under the penal code by authorities in Mlandizi and paid a fine of Tanzanian shillings 300, 000 (\$220) (Note: Although the woman was sentenced after the Anti-Trafficking Act came into effect, she was tried under the penal code due to the timing of the offense and hearing. End Note).

¶18. There were no convictions under the new anti-trafficking law during the year. Information detailing the number of convictions for CSEC or the use of children in illicit activities was not available.

¶19. Information regarding the adherence to minimum standards in sentencing was not available.

¶10. Information about whether sentences were actually served was not available.

¶11. On average, it takes two to five years for a case to be heard in Tanzanian courts.

¶12. Topics such as trafficking in persons and CSEC are covered in basic training courses for new police officers, investigators, and prosecutors. In coordination with the U.S. Department of Justice, between September 2008 and April 2009 50 prosecutors in five regions were trained on the new Anti-Trafficking legislation.

¶13. There was no armed conflict in Tanzania in 2009.

2E. Government Policies on Child Labor

¶1. In June 2009, the Ministry of Labor released the National Action Plan for the Elimination of Child Labor. Drafted in collaboration with key stakeholders and numerous ministries, the Plan outlines the core elements of the strategy to eliminate child labor, including poverty alleviation, capacity building for enforcement and protection mechanisms, educational system strengthening, and monitoring and evaluation systems. It specifies the actions to support each of these elements and names the lead agency as well as collaborating agencies responsible for implementing these programs. The Ministry of Labor's Department of Labor is the lead actor for the majority of the Plan's activities.

The National Costed Plan of Action for Most Vulnerable Children (NCPA) establishes Most Vulnerable Children Committees (MVCC) at the ward and village level, which assist with the identification of children at risk of or involved in child labor. UNICEF commented that the MVCC were effective in providing material support to children at the village level, but capacity constraints precluded them from offering services, such as counseling or protection.

The government revised the Child Development Policy to include prohibitions against the worst forms of child labor.

¶2. Child labor is addressed in Tanzania's poverty reduction strategy paper, known as the MKUKUTA. The target for 2010 is to reduce child labor to less than ten percent. Zanzibar's PRSP, known as the MKUZA, has a similar target.

¶3. The GOT did not allocate any additional funds to the Department of Labor in order to implement the provisions of the National Action Plan for the Elimination of Child Labor or ensure that Tanzania meets its PRSP targets.

¶4. The government did not provide any non-monetary support to child labor activities.

DAR ES SAL 00000129 006 OF 007

¶5. During the year, the GOT established a Child Labor Monitoring System (CLMS) to coordinate all national efforts related to child labor. In addition, it worked at the

district level to establish child labor committees. Some district councils amended their by-laws to include child labor and truancy provisions. Finally, child labor issues were integrated into the Complementary Basic Education (COBET) curriculum and the teacher training college curriculum.

¶6. The Intersectoral Committee on Child Labor was effective and active during the year. As previously noted, it drafted the National Action Plan for the Elimination of Child Labor.

¶7. The government did not sign any bilateral, regional, or international agreements on trafficking during the year.

2F. Social Programs to Eliminate or Prevent Child Labor

¶1. The Tanzania Education Alternatives for Children (TEACH) Program, a five year partnership project between the mainland Ministries of Labor and Education and the U.S.-based NGO Winrock International, began in 2006 and continued working in remote districts to reduce the overall number of children engaged in the worst forms of child labor. Since its inception in 2006, Winrock's TEACH program has withdrawn or prevented 6,500 children ages five to 17 from child labor. Between March and September 2009, TEACH identified, registered and enrolled a total of 779 children (251 female and 518 male) in its programs. Of these, 68 were in pre-primary school program, 242 in Complementary Basic Education (COBET), and 469 in the vocational agriculture program.

The GOT worked with the ILO-IPEC to implement Phase II of the U.S. Department of Labor-funded Time-bound Program (TBP) to eliminate the worst forms of child labor by 2010, targeting agriculture, domestic service, mining, fishing, and prostitution. The Ministry of Labor's Child Labor Unit worked with the TBP to provide training for district child labor coordinators and officials to increase their capacity to combat the worst forms of child labor. TBP operated in 16 districts during 2009. With the project's closure at year's end, 22,000 children were withdrawn or prevented from child labor under the TBP.

¶2. The National Action Plan for the Elimination of Child Labor calls for child labor to be addressed by specific poverty reduction, educational, and social welfare programs. However, the Plan, published in June 2009, has yet to be implemented (See 2E, part 1).

¶3. According to the Child Labor Unit, there were no additional funds provided for the child labor activities outlined in the National Action Plan for the Elimination of Child Labor.

¶4. The government did not provide any non-monetary support to child labor programs.

¶5. The initiatives described above were aided by the establishment of the Child Labor Committees as well as the efforts of Community Development Officers (CDOs) and Social Welfare Officers (SWOs). There are roughly 3,000 Community Development Officers (CDOs) working at the ward and district levels and more than 140 SWOs working in more than half of the districts in Tanzania. The CDOs and SWOs work closely with one another to identify and withdraw children from child labor. Given that SWOs are only in a limited number of districts, CDOs are instrumental in making referrals to SWOs, who have the authority to remove a child from an exploitative situation.

¶6. No bilateral, regional, or international agreements on trafficking were signed in 2009.

2G. Continual Progress

In 2009, the lack of funding continued to hamper progress in monitoring and enforcement of child labor laws. However, given the nature of the problem in Tanzania, prosecutions, while important, may not serve the desired purpose of

improving the lives of children. Efforts to make parents and guardians aware of the dangers involved in sending their children to work in cities or keeping them out of school are

DAR ES SAL 00000129 007 OF 007

critical. As evidenced by the development of the National Action Plan for the Elimination of Child Labor, the formation of child labor committees and the strong partnership among stakeholders, there is a strong commitment within the government to address the problem. NGOs noted that government efforts to increase the number of secondary schools in rural areas have helped reduce the number of girls coming to the cities. In addition, the efforts of the GOT and partner NGOs to raise awareness are helping reduce the incidence of child labor. However, high levels of poverty and HIV/AIDS continued to make Tanzanian children vulnerable to exploitation in the labor market.

LENHARDT